



compensation for his or her employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he or she is employed.

2. Defendants have paid a total amount of \$205,434.60 (comprised of \$102,717.30 in back wages and \$102,717.30 in liquidated damages), which the Parties agree, and the Court finds, is due under the Act to Defendants' employees named in the attached Exhibit A for the period since August 22, 2015. The above payments were made as follows: (1) Defendants paid to the employees directly \$156,436.42 (including \$78,218.21 in back wages and \$78,218.21 in liquidated damages) and (2) Defendants paid the remaining \$48,998.18 (including \$24,499.09 in back wages and \$24,499.09 in liquidated damages) to the U.S. Department of Labor. The Plaintiff shall make appropriate distribution of the unpaid compensation to the employees, or their estate if necessary, less income tax and social security deductions. In the event that any of the money cannot be distributed within three (3) years hereof because of inability to locate the proper person, or because of their refusal to accept, the money shall be deposited with the U.S. Treasury. Defendants are liable for their portion of payroll taxes due to the Internal Revenue Service. Defendants shall provide the Plaintiffs identified in Exhibit A of this Consent Judgment with IRS Forms W-2 for the portion representing back wages and IRS Forms 1099 for the portion representing liquidated damages.

3. Upon entry of this judgment, Defendants' employees not specifically named in Exhibit A shall be restored their right to bring an action under Section 16(b) of the Fair Labor Standards Act, 29 U.S.C. §216(b), and neither the filing of this action nor the entry of this judgment shall bar such an action. In any such action, the statute of limitations shall be deemed tolled from August 22, 2015 to July 22, 2018. Moreover, the filing of this action and provisions of this judgment shall not be interpreted to limit, prejudice, or preclude the right of the Secretary

of Labor or any of Defendants' employees from filing an action under the Act covering violations alleged to have occurred after July 22, 2018.

4. Within 60 days of entry of this judgment, Defendants agree to provide training to their management and human resources employees involved in any stage of the payment process for tipped employees. The training shall cover the requirements of the FLSA, including but not limited to the proper calculation of the regular rate of pay and overtime premiums for tipped employees.

5. Within 90 days of the entry of this judgment, Defendants agree to conduct and complete an audit of its payroll and time records to confirm that tipped employees were paid the proper overtime premiums. The audit should cover the time period from July 23, 2018 to the present. In the event overtime compensation is found to be due, Defendants agree to pay their employees and former employees any and all back wages owed to them for that time period.

Each party agrees to bear his or her own attorneys' fees, costs and other expenses in connection with any stage of this proceeding, including, but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

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GREY H. MILLER  
SENIOR UNITED STATES DISTRICT JUDGE



**FOR THE RESPONDENTS:**

  
CHRISTOS STATHATOS  
President and Owner  
DC Broadway, Inc., d/b/a Don Carlos  
Mexican Restaurant

Date: 9/16, 2019

  
KIN CHAN  
Director of Operations  
DC Broadway, Inc., d/b/a Don Carlos  
Mexican Restaurant

Date: 9/16, 2019

  
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**CERTIFICATE OF SERVICE**

I certify that on 9/16/, 2019, a true and correct copy of the executed *Consent Judgment* was served upon Defendants' counsel via electronic filing and email PDF at the following:


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**FOR THE PLAINTIFF:**

KATE. S. O'SCANNLAIN  
Solicitor of Labor

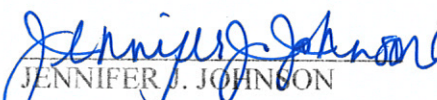
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